

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GREAT MILL ROCK LLC, CHRISTOPHER	:
WHALEN, and ADI PEKMEZOVIC,	:
	:
Plaintiffs,	:
	:
- against -	:
	:
STELLEX CAPITAL MANAGEMENT LP,	:
STELLEX CAPITAL MANAGEMENT LLC,	:
and J. ANTHONY BRADDOCK,	:
	:
Defendants.	:
	:
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Case No. 20 Civ. 3056 (CM)

DECLARATION OF JOHN P. COFFEY

I, John P. Coffey, hereby declare as follows:

1. I am a partner with Kramer Levin Naftalis & Frankel LLP, counsel for Stellex Capital Management LP, Stellex Capital Management, LLC, and J. Anthony Braddock (“Defendants”). I respectfully submit this declaration to provide the Court documents cited in Defendants’ Memorandum of Law in Support of Their Motion to Dismiss the Complaint.

2. Attached as Exhibit A is a copy of Plaintiffs’ Complaint, dated April 15, 2020. (Docket No. 1).

3. Attached as Exhibit B is a copy of the Memorandum of Understanding signed by Adi Pekmezovic and Stellex Capital Management LP on March 1, 2018 that is referenced in ¶¶ 23-26, 51, and 56-57 of the Complaint.

4. Attached as Exhibit C is a copy of the Memorandum of Understanding signed by Christopher Whalen and Stellex Capital Management LP on March 1, 2018 that is referenced in ¶¶ 23-26, 51, and 56-57 of the Complaint.

5. Attached as Exhibit D is a copy of the 2018 W-2 forms for Adi Pekmezovic and Christopher Whalen regarding the “fee” that is referenced in ¶ 29 of the Complaint. Certain personal information has been redacted from this document.

6. Attached as Exhibit E is a copy of the 2019 W-2 forms for Adi Pekmezovic and Christopher Whalen regarding the “fee” that is referenced in ¶ 29 of the Complaint. Certain personal information has been redacted from this document.

7. Attached as Exhibit F is the U.S. Trademark Registration certificate for the ACTIV CAPITAL mark, along with the specimen of use submitted with the application, referenced in ¶ 84 of the Complaint and which is a public record.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true.

Dated: New York, New York
May 28, 2020

/s/ John P. Coffey
John P. Coffey